

Message

From: Mutter, Andrew [mutter.andrew@epa.gov]
Sent: 8/27/2019 7:53:43 PM
To: Benevento, Douglas [benevento.douglas@epa.gov]
Subject: FW: Daily Press Clips 8/27/19

From: Sullivan, Melissa
Sent: Tuesday, August 27, 2019 1:53:41 PM (UTC-07:00) Mountain Time (US %2A Canada)
To: AO OPA OMR CLIPS
Subject: Daily Press Clips 8/27/19

Daily Press Clips
August 27, 2019

Agency

<https://news.bloombergenvironment.com/environment-and-energy/epa-has-completed-foia-fixes-but-needs-new-policy-watchdog-says>
<https://news.bloombergenvironment.com/environment-and-energy/former-epa-officials-criticize-alleged-sidelining-of-science>

Air

<https://www.sfgate.com/news/article/Toxic-gas-EPA-silence-prompt-concern-near-14379253.php>
<https://www.wtoc.com/2019/08/26/epa-agrees-delay-engine-rule-help-ports-continue-run/>
<https://fox28media.com/news/local/georgia-ports-authority-gets-epa-marine-diesel-engrelief-for-pilot-boats>
<https://www.washingtontimes.com/news/2019/aug/27/epa-delays-stricter-standards-for-new-lobster-boat/>
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<https://www.smartcitiesworld.net/news/news/columbus-first-us-city-to-meet-ozone-compliance-rules-4520>

Coal Ash

<https://www.axios.com/toxic-coal-ash-trump-epa-regulations-f9b1ab77-7f4c-4f04-9db3-2ac05c62139f.html>

Permits

https://rapidcityjournal.com/news/local/epa-re-opens-comment-on-uranium-permits-schedules-hot-springs/article_b56ce948-3c61-5f2d-b60e-fa05cd749d48.html

Pesticides

<https://subscriber.politicopro.com/article/2019/08/european-commission-plans-to-ban-pesticide-chlorpyrifos-3759484>

RFS

<https://www.riverbender.com/articles/details/durbin-calls-for-an-end-to-small-refinery-waivers-and-restoring-integrity-to-the-renewable-fuel-standardcopy-36839.cfm>
<https://subscriber.politicopro.com/article/2019/08/biorefiners-urge-trump-to-address-rfs-waivers-3756495>
<https://www.ocj.com/2019/08/epa-ignored-omb-on-waivers/>
<https://www.dtnpf.com/agriculture/web/ag/blogs/ethanol-blog/blog-post/2019/08/26/ethanol-plant-employees-ask-trump>
<https://www.wsj.com/articles/trumps-ethanol-promises-come-due-11566908474>

Water

https://www.washingtonpost.com/opinions/flints-water-crisis-wasnt-just-a-blip-our-water-standards-need-bold-change/2019/08/26/add59b50-c50d-11e9-9986-1fb3e4397be4_story.html
<https://www.wamc.org/post/dutchess-county-file-brief-supporting-nyss-suit-against-epa-over-pcb-cleanup>
<https://news.bloombergenvironment.com/environment-and-energy/con-edison-slims-down-document-production-in-hudson-leak-suit>

Agency

<https://news.bloombergenvironment.com/environment-and-energy/epa-has-completed-foia-fixes-but-needs-new-policy-watchdog-says>
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Bloomberg Environment

"Former EPA Officials Criticize Alleged Sidelining of Science"

<https://news.bloombergenvironment.com/environment-and-energy/former-epa-officials-criticize-alleged-sidelining-of-science>

Stephen Lee

Former EPA officials will tell the Scientific Advisory Board at an Aug. 27 meeting that the agency's planned shift in the way it uses science for making rules, without fully consulting the board, raises serious practical and ethical problems. The meeting will address the board's role in consulting the Environmental Protection Agency on its Strengthening Transparency in Regulatory Science proposal (RIN:2080-AA14) from April 2018, also known as the "secret science" rule. The proposed rule would bar the EPA from using scientific research that isn't or can't be made public. That shift represents a stark change from EPA's decades-old approach to using science in rule-making.

In written testimony obtained by Bloomberg Environment, Bernard D. Goldstein, former assistant administrator for the Office of Research and Development, said the limited way in which the Scientific Advisory Board has been allowed to consult the EPA "goes beyond being inappropriate."

'Being Treated as Technicians'

The board, which is composed of outside experts who review the quality of scientific and technical information the EPA uses in regulations, is "being treated as technicians who can fix a complex measuring device but have no say in how the device is used or how its findings are interpreted," wrote Goldstein, an environmental toxicologist and faculty emeritus at the University of Pittsburgh Schools of the Health Sciences, wrote.

Similarly, Roy Gamse, who held top leadership roles at the EPA during the Nixon, Ford, Carter, and Reagan administrations, will submit testimony saying the proposed rule would sideline many relevant studies.

"If this is such a good idea, why is it proposed just for EPA rather than as legislation or regulation applying to all health-regulating agencies?" Gamse wrote.

Critics have said the proposal is a bid to sideline the science the EPA uses to regulate drinking water, air quality, and toxic chemicals, since the agency wouldn't be able to rely on epidemiological studies, which often use private medical information to look at the health impacts of pollution.

The EPA has defended its proposal by saying it will make more information available so stakeholders are better able to understand and take part in future rule-makings.

Tensions Over Role

Tensions have long simmered over the advisory board's role in the proposal.

In June 2018, the board asked then-EPA chief Scott Pruitt to let it review the full proposal. Nearly 10 months later, EPA Administrator Andrew Wheeler asked the board to consult on only one part: how to ensure secure access to business data and personally identifiable information used in scientific studies. That question now forms the basis of the Aug. 27 teleconference.

Wheeler told members of the Science Advisory Board on June 5 that agency leadership has "not utilized you in the ways that we should. We can and will do better."

Bloomberg Environment

"EPA Has Completed FOIA Fixes But Needs New Policy, Watchdog Says"

<https://news.bloombergenvironment.com/environment-and-energy/epa-has-completed-foia-fixes-but-needs-new-policy-watchdog-says>

Stephen Lee

The EPA got a passing grade from its internal watchdog on Aug. 27 for taking steps to save employees' text messages and emails when the public and journalists ask for them. But the Environmental Protection Agency must still follow through with its earlier plans to create an updated Freedom of Information Act policy and procedure for the entire agency, because a final rule the EPA issued in June changed the way the agency responds to public records requests, the Office of Inspector General said in a new report.

In all, the report said the EPA had completed actions in response to 13 earlier audit recommendations. They range from finding out whether any employees' text messages that might have been relevant to a FOIA request were lost when employees switched phones, to developing policies governing staffers' use of personal email for government business. Other completed actions include putting steps in place to scan staffers' alias email accounts, creating a plan to replace old phones that aren't compatible with the agency's phone management system, and reminding employees not to change their retention settings for text messages.

In a letter to the Office of Inspector General, Elise Packard, deputy general counsel for operations at the EPA's Office of General Counsel, said the agency accepted the findings and would review and update its FOIA policy and procedures.

The recommendations from the agency's inspector general date back to the Obama administration, and some of them were completed during that term. Since President Donald Trump took office, Congress had asked the EPA's inspector general to audit the agency's compliance with legal standards for saving electronic records and responding to FOIA requests.

Criticism on FOIA Responses

Public interest groups say the Trump EPA isn't responding quickly or comprehensively enough to FOIA requests. "The Trump administration hasn't done anything to make FOIA more accessible, or to process FOIA requests as the statute requires" across the government, said Patrick Llewellyn, an attorney with Public Citizen's litigation group. Processing times "seem to be going up," Llewellyn said. "They obviously don't seem to be making it a priority. It seems like you have to litigate more, just because processing times are so long, even for simple requests that you may not have had to litigate previously." "Government corruption can often be diagnosed by how poorly FOIA requests are responded to," said Samantha Feinstein, senior legal and international analyst at the Government Accountability Project.

“For environmental whistleblowers, access to information is essential to gain evidence and public support for their disclosures,” Feinstein said. “The EPA FOIA process is in a coma. It shouldn’t take two years to start responding to requests for information so vitally important to the public.” The EPA said its June final rule that changed its FOIA policy was issued to correct obsolete information, reflect internal EPA realignment, and improve its response time to requests. The rule became effective on July 26. But critics have said the new rule gives political appointees too much say over which records are released.

Two groups, Citizens for Responsibility and Ethics in Washington and the Ecological Rights Foundation, have filed separate lawsuits against the EPA, asking the U.S. District Court for the District of Columbia and the U.S. District Court for the Northern District of California to overturn the agency’s July rule as arbitrary and unlawful.

Air

<https://www.sfgate.com/news/article/Toxic-gas-EPA-silence-prompt-concern-near-14379253.php>

<https://www.wtoc.com/2019/08/26/epa-agrees-delay-engine-rule-help-ports-continue-run/>

<https://fox28media.com/news/local/georgia-ports-authority-gets-epa-marine-diesel-engrelief-for-pilot-boats>

<https://www.washingtontimes.com/news/2019/aug/27/epa-delays-stricter-standards-for-new-lobster-boat/>

<https://www.nytimes.com/2019/08/27/well/live/air-pollution-deaths.html>

<https://news.bloombergenvironment.com/environment-and-energy/epa-moves-closer-to-releasing-review-of-toxic-ethylene-limits>

<https://www.smartcitiesworld.net/news/news/columbus-first-us-city-to-meet-ozone-compliance-rules-4520>

Smart Cities World

"Columbus: First US City to Meet Ozone Compliance Rules"

<https://www.smartcitiesworld.net/news/news/columbus-first-us-city-to-meet-ozone-compliance-rules-4520>

Several federal regulations pertaining to fuel standards and motor vehicle emission standards decreased emissions to help the area achieve the standard. Columbus, Ohio, is the first non-attainment metropolitan area in the US to meet the most recent federal air quality standard for ozone pollution. As a previous non-attainment area, it was deemed to have air quality worse than the national ambient air quality standards (NAAQS). Recent air monitoring data from the US Environmental Protection Agency (EPA) and Ohio EPA for ground-level ozone shows the Columbus area now meets NAAQS in addition to all other federal air quality standards set to protect public health.

Fewer restrictions

As a result of the re designation, businesses will face fewer air permitting restrictions paving the way for infrastructure investment and economic development that will create jobs. “Today is a very good day for everyone who lives and breathes in the greater Columbus area,” said Cathy Stepp, regional administrator. “The Columbus success story is the direct result of the cooperative partnership between the US EPA, the state of Ohio, the city, local government entities and industry to improve air quality which in turn spurs economic development and revitalization.” The Columbus area was designated in 2018 as a marginal non-attainment area for the 2015 ozone NAAQS based on a multifactor analysis, including air-quality monitoring data.

Several federal regulations pertaining to fuel standards and motor vehicle emission standards decreased emissions to help achieve the standard in the Columbus area, which includes Delaware, Fairfield, Franklin, and Licking Counties. Three years of recent monitoring data show the Columbus area met the 2015 NAAQS for ozone. After a public comment process, EPA formally redesignated the Columbus area to attainment and approved Ohio’s plan to ensure that the area will continue to meet the ozone standard. “US EPA’s recognition that the air quality in the Columbus metropolitan area meets the most recent national ozone standard reflects continuing progress in efforts to improve air quality and the quality of life for Ohio residents,” added Laurie Stevenson, director, Ohio EPA.

Nationally, in the period from 2000 to 2017, the concentration of ground level ozone has decreased by 17 percent. All other air pollutants regulated under NAAQS – carbon monoxide, lead, nitrogen dioxide, particulate matter and sulphur dioxide – have also significantly decreased thanks to the various air quality management and control strategies developed and implemented at the local, state, regional, and national level. Ground level ozone is not emitted directly into the air but is formed when nitrogen oxides (NOx) and volatile organic compounds (VOCs) react in the presence of sunlight. Emissions from industrial facilities and electric utilities, motor vehicle exhaust, gasoline vapors, and chemical solvents are some of the major sources of NOx and VOCs. The Columbus metropolitan area contains multiple census tracts designated as federal opportunity zones. An opportunity zone is an economically distressed community where new investment, under certain conditions, may be eligible for preferential tax treatment. Whenever possible, EPA said it is working to target and focus its efforts on opportunity zones.

Bloomberg Environment

"EPA Moves Closer to Releasing Review of Toxic Ethylene Limits"

<https://news.bloombergenvironment.com/environment-and-energy/epa-moves-closer-to-releasing-review-of-toxic-ethylene-limits>

Amena H. Saiyid

The EPA is close to releasing its much-awaited, court-mandated review of toxic air pollution limits for facilities producing ethylene, the chief ingredient of polyethylene, or common plastic. The White House Office of Management and Budget on Aug. 26 completed its look at the Environmental Protection Agency's proposed review of the toxic air pollution standards for this organic chemical (RIN:2060-AT02), which the EPA hasn't reviewed or updated since setting them in 2002. The agency has historically been late in reviewing the health and technology standards for industrial sources of hazardous air pollutants, which it is required to do every eight years.

Under Orders

The Obama administration's failure to review these sources of hazardous air pollutants prompted a lawsuit by the nonprofit California Communities Against Toxics and other environmental advocacy organizations. The EPA is under a 2017 mandate from the U.S. District Court for the District of Columbia to release its final risk and technology review by March 2020. Ethylene is produced from the distillation of natural gas and oil. It is the building block of a broad range of chemicals, from plastics to antifreeze solutions and solvents. The proposed review could be issued in a matter of days as the White House review is usually the last step before a rule or policy is released to the public.

New York Times

"The Deadly Toll of Air Pollution"

<https://www.nytimes.com/2019/08/27/well/live/air-pollution-deaths.html>

Nicholas Bakalar

Air pollution, even at modest levels, is deadly.

An international team of researchers used data from 652 cities in 24 countries to correlate levels of particulate matter pollution with day-to-day mortality rates. They measured the concentrations of two microscopic particles of soot, PM 2.5 and PM 10, particles small enough to enter the lungs or the bloodstream. The study, in the New England Journal of Medicine, found that as the concentration of particulate matter increased, so did the number of excess deaths.

In the United States, there was a daily mortality increase of 0.79 percent for each 10 micrograms per cubic meter increase in PM 10 and a 1.58 percent increase for each 10 microgram increase in PM 2.5. This would translate to an extra 178 deaths on a day when levels of these pollutants increased by these amounts. The Environmental Protection Agency sets a three-year daily average of 12 micrograms of PM 2.5 and 15 micrograms of PM 10 as the limit for protection of public health.

"Lowering the present U.S. limits could reduce the number of deaths," said a co-author, Antonio Gasparrini, of the London School of Hygiene and Tropical Medicine. "But there's a tradeoff — how much you can realistically do against how many lives you can spare. We've provided the level of risk. Policymakers have to work with it."

SF Gate

"Toxic Gas, EPA Silence Prompt Concern Near Georgia Factories"

<https://www.sfgate.com/news/article/Toxic-gas-EPA-silence-prompt-concern-near-14379253.php>

Associated Press

ATLANTA (AP) — Residents near two Georgia plants which have emitted toxic gas say they're furious that the government did not alert the public about a federal report on potential health dangers. Hundreds of people packed two recent town hall meetings in Marietta and Covington, where the two companies use ethylene oxide to sterilize medical devices. The meetings followed news stories about a 2018 report that identified Census tracts near the two businesses where residents could face health risks. The U.S. Environmental Protection Agency chose not to issue press releases about the study or take other steps to inform the public about it, The Atlanta Journal-Constitution reported. The EPA did provide Georgia's Environmental Protection Division with talking points about the report in case someone stumbled upon it on the EPA's website and asked questions.

Eventually, WebMD and Georgia Health News in July published a story about the federal report and the potential dangers it outlined. The story surprised and concerned residents living near the two factories. An EPA official at last week's community meeting in Covington apologized for not publicizing the National Air Toxics Assessment (NATA) report. "I'm sorry this happened and next time the NATA comes out we will be much more thoughtful about how and when we communicate with the public," said Ken Mitchell, deputy director of the EPA's air and radiation office in the Southeast. The Georgia Environmental Protection Division has said that it would conduct months-long air testing near the two plants. Cobb County and the cities of Smyrna and Atlanta also announced they'd pay for their own independent testing.

WTOC 11

"EPA Agrees to Delay Engine Rule to Help Ports Continue to Run"

<https://www.wtoc.com/2019/08/26/epa-agrees-delay-engine-rule-help-ports-continue-run/>

SAVANNAH, Ga. (WTOC) - Georgia's 1st Congressional District Representative Buddy Carter was in Garden City Monday to give an update on the EPA agreeing to delay a rule that will help keep the ports running.

A pilot boat is essential to the ports because it transports maritime pilots between land and the ships. In 2017, a rule went into effect that changed the type of engine a pilot boat could use on the Savannah River. That rule is now effecting Savannah's pilot boats because there is a need for a new one.

In the past, the EPA changed the size of pilot boats because of Wright Whales in the area. The engine change also concerns the whales because of where they travel. "We leave from Fort Pulaski, and we run - currently, it's 10 miles offshore - and they go alongside the ship while we're moving at 10 or 12 knots, and the pilots climb a rope ladder up the side of the ship, and then the pilot boat leaves and goes back to Fort Pulaski," said Trey Thompson, Master Pilot, Savannah Pilots Association.

The EPA made that extension to 2022. In the meantime, the Savannah Pilots Association is hoping to buy a new boat as soon as possible. This extension insures that the ports stay open, and that ships will still be able to come in and out.

FOX28

"Georgia Ports Authority gets EPA Marine Diesel Engine Relief for Pilot Boats"

<https://fox28media.com/news/local/georgia-ports-authority-gets-epa-marine-diesel-engrelief-for-pilot-boats>

Robert Cantanese

GARDEN CITY, GA. (WTGS) — On Monday, Congressman Earl “Buddy” Carter was joined by Georgia Ports Authority officials as well as Region Four representatives of the Environmental Protection Agency.

The EPA announced they would be proposing to amend the national marine diesel engine program to provide relief to boat builders and manufacturers of lightweight and high-power marine diesel engines that are used in high-speed commercial vessels such as lobster fishing boats and pilot boats. Essentially, pilot boats are used by the Ports Authority to transport maritime pilots between land and the ships. The proposed relief is in the form of additional lead time for qualifying engines and vessels and will allow engine manufacturers enough time to adapt to the EPA’s proposal. That will help boat builders whose production capabilities have been impacted by a lack of certified engines available with the desired size and power characteristics.

Officials say this will provide boat builders the flexibility they need to meet EPA standards with emissions control.

“Because we are on the Atlantic Coast we have certain limitations as far as boat size goes, so now they will be able to get a new boat which is good news that means the port keeps running,” said Carter. The GPA currently has four pilot boats and officials say they hope to obtain a new environment-friendly boat within the next year.

The Washington Times

"EPA Delays Stricter Standards for New Lobster Boat Engines"

<https://www.washingtontimes.com/news/2019/aug/27/epa-delays-stricter-standards-for-new-lobster-boat/>
Associated Press

PORTLAND, Maine (AP) - The Environmental Protection Agency is giving a break to Maine’s lobster industry by delaying new clean-air standards for some marine diesel engines. Maine’s congressional delegation says there are no diesel engines meeting the Tier IV standard that can safely fit on lobster boats. They say the delay will ensure there are engines available as the industry continues to work toward cleaner diesel engines. In a joint statement, the congressional delegation called the delay “a commonsense solution that supports Maine boat builders and lobstermen.” EPA New England Acting Regional Administrator Deborah Szaro called it a “win-win” for boat builders and lobstermen, “and allows Maine’s vibrant fishing economy to continue.”

Coal Ash

<https://www.axios.com/toxic-coal-ash-trump-epa-regulations-f9b1ab77-7f4c-4f04-9db3-2ac05c62139f.html>

Axios

"Toxic Ash at Risk of Spreading as Trump's EPA Seeks to Dismantle Protections"

<https://www.axios.com/toxic-coal-ash-trump-epa-regulations-f9b1ab77-7f4c-4f04-9db3-2ac05c62139f.html>

Ursula Perano

An analysis from Politico found that over 100 sites storing toxic ash from coal-burning power plants are located in areas that federal emergency managers warn have a high risk of flooding.

Why it matters: Coal ash is a multibillion-dollar liability, and scientists warn that increased rain brought on by a warming climate could worsen the threat by spreading the substance into neighboring communities. The findings come as the Trump administration is looking to reverse an Obama-era regulation seeking to prevent coal-ash disasters.

- Toxins in coal ash such as lead, arsenic, mercury and other contaminants have the potential to cause severe illnesses, including neurological damage and cancer. Officials have also warned that government-sanctioned flood maps already likely understate the potential of deluges in most of the U.S.
- The trouble goes further, Politico notes: "Scientists say the heavier rains expected to come from a warming planet also threaten to bring a more hidden peril — rising water tables that seep into the ash impoundments, contaminating groundwater used for agriculture and drinking."

Between the lines: An Obama-era regulation limited eligible locations for storage, required utilities to track groundwater pollution near sites and provided incentives for utilities to install protective liners in their storage ponds. The Environmental Protection Agency under Trump is now moving to weaken regulations, including by "letting states waive some cleanup requirements, exclude certain contaminants from pollution programs and suspend groundwater monitoring," per Politico.

- **But, but, but:** Scientists and environmentalists note that even the Obama regulations didn't fully address climate change's role in the toxic waste threat.

Pesticides

<https://subscriber.politicopro.com/article/2019/08/european-commission-plans-to-ban-pesticide-chlorpyrifos-3759484>

Politico

"European Commission Plans to Ban Pesticide Chlorpyrifos"

<https://subscriber.politicopro.com/article/2019/08/european-commission-plans-to-ban-pesticide-chlorpyrifos-3759484>

Kayla Sharpe

The European Commission will put forward a proposal to EU countries not to renew the license for the pesticide chlorpyrifos to be used in the bloc, a Commission spokesperson said today. The European Food Safety Authority this month concluded the chemical is harmful to human health and that no safe exposure level can be set. The licenses for two forms of the pesticide — chlorpyrifos and chlorpyrifos-methyl — expire in January. "Meanwhile we're preparing a draft that will be put forward to member states not to renew [approval for] these substances," said Commission spokesperson Anca Paduraru.

Chlorpyrifos, manufactured by U.S. agri-chemical giant Corteva, is used to kill pests on crops such as broccoli and oranges. EFSA's research on the insecticide "identified concerns about possible genotoxic effects as well as neurological effects during development, supported by epidemiological data indicating effects in children." Corteva disputes EFSA's findings, stating this month: "No active ingredient had been more thoroughly researched than chlorpyrifos and the EFSA conclusions do not match the conclusions of other major regulatory bodies, including U.S.-EPA, Australia-APVMA or the World Health Organization."

Permits

https://rapidcityjournal.com/news/local/epa-re-opens-comment-on-uranium-permits-schedules-hot-springs/article_b56ce948-3c61-5f2d-b60e-fa05cd749d48.html

Rapid City Journal

"EPA Re-opens Comment on Uranium Permits, Schedules Hot Springs Hearing"

https://rapidcityjournal.com/news/local/epa-re-opens-comment-on-uranium-permits-schedules-hot-springs/article_b56ce948-3c61-5f2d-b60e-fa05cd749d48.html

Seth Tupper

One day ahead of a public hearing in Rapid City about a Nuclear Regulatory Commission license for a proposed uranium mine near Edgemont, another federal government entity — the Environmental Protection Agency — reopened public comment and scheduled an October public hearing on several permits it is considering for the same mine.

The EPA said Tuesday in a news release that its public comment period will close Oct. 10, and the public hearing will be from 9 a.m. to noon and 2 p.m. to 6 p.m. Oct. 5 at the Mueller Center in Hot Springs.

Comments are sought on two Underground Injection Control Draft Area Permits and an aquifer exemption for the proposed Dewey-Burdock uranium in-situ mine near Edgemont. The EPA is reissuing the revised Draft UIC Area Permits to Powertech. One is a UIC Class III Area Permit for injection wells to dissolve uranium from underground ore. The second is a UIC Class V Area Permit for deep injection wells that would be used to dispose of mining waste fluids into the Minnelusa aquifer, after treatment to meet radioactive and hazardous waste standards.

The EPA is also re-proposing an aquifer exemption in connection with the Class III Area Permit to exempt the uranium-bearing portions of the Inyan Kara Group aquifers from safe-drinking water standards. The mine needs the exemption to inject mining waste fluid into an aquifer. The EPA initially requested and accepted public comments on the permits in March 2017 and held public hearings in the Black Hills. The EPA is now requesting additional public input.

At the close of the public comment period, the EPA will review and consider all comments received during both the 2017 and 2019 public comment periods and during all the public hearings before making its final permit decisions. The EPA will also prepare a written statement that will include responses to all the comments received that are relevant to the UIC Class III and V Draft UIC Area Permits. For more information, visit the EPA Region 8 UIC Program website, <https://www.epa.gov/uic/uic-epa-region-8>.

To submit written comments, go online to Regulations.gov under docket number EPA-R08-OW-2019-0512, or mail comments to Valois Robinson, U.S. EPA Region 8, Mail Code: 8WD-SDU, 1595 Wynkoop Street, Denver, CO, 80202-1129. Written comments to the EPA must be received by midnight Mountain time on Oct. 10.

Separately from the EPA, the Atomic Safety and Licensing Board will conduct a hearing at 10 a.m. Wednesday at the Hotel Alex Johnson in Rapid City about Powertech's license from the Nuclear Regulatory Commission.

RFS

<https://www.riverbender.com/articles/details/durbin-calls-for-an-end-to-small-refinery-waivers-and-restoring-integrity-to-the-renewable-fuel-standardcopy-36839.cfm>

<https://subscriber.politicopro.com/article/2019/08/biorefiners-urge-trump-to-address-rfs-waivers-3756495>

<https://www.ocj.com/2019/08/epa-ignored-omb-on-waivers/>

<https://www.dtnpf.com/agriculture/web/ag/blogs/ethanol-blog/blog-post/2019/08/26/ethanol-plant-employees-ask-trump>

<https://www.wsj.com/articles/trumps-ethanol-promises-come-due-11566908474>

River Bender

"Durbin Calls for an End to Small Refinery Waivers and Restoring Integrity to the Renewable Fuel Standard Copy"

<https://www.riverbender.com/articles/details/durbin-calls-for-an-end-to-small-refinery-waivers-and-restoring-integrity-to-the-renewable-fuel-standardcopy-36839.cfm>

WASHINGTON—U.S. Senator Dick Durbin (D-IL), a member of the Senate Committee on Agriculture, Nutrition, and Forestry, along with Senators Tina Smith (D-MN), Amy Klobuchar (D-MN), Debbie Stabenow (D-MI), Gary Peters (D-MI),

Tammy Baldwin (D-WI), and Sherrod Brown (D-OH), today urged the Environmental Protection Agency (EPA) to end the harmful abuse of small refinery hardship waivers under the Renewable Fuel Standard (RFS). In a letter sent to EPA Administrator Andrew Wheeler, Durbin and his colleagues stress that under the Trump Administration, the granting of waivers has increased by 370 percent with “small refinery” waivers going to prosperous large oil companies while causing more rural biofuels companies to shutter operations. After reports that the President greenlighted the waivers, and signals that the Administration is scrambling to mitigate the economic harm, Durbin said he wants real actions that live up to the promise of helping the nation’s rural economy.

“EPA continues to undercut the integrity of the RFS by misusing its waiver authority, which in turn has a direct adverse impact on farmers and jobs in rural communities. We write to urge you once again to end the abuse of these small refinery exemptions, immediately reallocate the remaining gallons, and make public information regarding any recipients of these exemptions,” wrote Durbin and his colleagues to Administrator Wheeler.

Dear Administrator Wheeler,

SPRINGFIELD - We are extremely concerned that the U.S. Environmental Protection Agency (EPA) continues to abuse the use of small refinery hardship waivers under the Renewable Fuel Standard (RFS). On Friday, August 8, 2019, the EPA issued another 31 such waivers, effectively reducing demand for renewable fuels by over 1.4 billion gallons. This is on top of the 54 refinery waivers already approved by this Administration over the last two years, which eliminated demand for more than 2.6 billion gallons of biofuels.

Comparing the last three years of the previous administration to the first three years of the current administration, the Trump Administration has increased the granting of waivers by an astounding 370 percent, with “small refinery” waivers going to some of the world’s largest oil companies. This pattern of demand destruction is wreaking havoc on our nation’s rural economy. In recent months, more than 13 ethanol plants and 8 biodiesel plants have idled production or shut down across the country. Not only did these biofuel plants support thousands of rural jobs across the country, they served as important markets for farmers, processing millions of bushels of corn, soybeans, and other commodities. At a time when farmers are already struggling after years of low prices and a chaotic trade agenda, this Administration chose to destroy more markets for farmers and harm rural communities across the country.

To add insult to injury, recent reports indicate that President Trump personally made the decision to grant these 31 waivers, despite numerous promises to support renewable fuels. EPA continues to undercut the integrity of the RFS by misusing its waiver authority, which in turn has a direct adverse impact on farmers and jobs in rural communities. We write to urge you once again to end the abuse of these small refinery exemptions, immediately reallocate the remaining gallons, and make public information regarding any recipients of these exemptions.

Politico

"Biorefiners Urge Trump to Address RFS Waivers"

<https://subscriber.politicopro.com/article/2019/08/biorefiners-urge-trump-to-address-rfs-waivers-3756495>

Alex Guillen

The leaders of almost 100 biofuel producing facilities today urged President Donald Trump to stop granting so many small refinery waivers following weeks of complaints from the agriculture sector. “EPA’s actions threaten to undo your good work” in approving E15 for year-round sales, the companies wrote to Trump.

Eighty-five exemptions from Renewable Fuel Standard requirements granted to small refiners over the past three years has killed the demand for billions of gallons of biofuels and caused many plants to idle, according to the [letter](#).

“Every new exemption is a threat to hundreds of thousands of jobs across the heartland. Make no mistake, the rural manufacturing that keeps our communities strong could soon vanish if unelected bureaucrats at the EPA continue to eliminate the market for biofuels,” the letter said. The biofuels producers also noted recent significant profits for oil companies. “EPA is ravaging the rural economy in your name. Only you can turn it around, and we offer whatever support we can to make it happen,” the biofuels companies wrote. The letter included representatives from 27 POET biorefineries and 15 Green Plains facilities, as well as a number of smaller biofuel producers.

"EPA Ignored OMB on Waivers"

<https://www.ocj.com/2019/08/epa-ignored-omb-on-waivers/>

Todd Neeley

OMAHA (DTN) — The White House Office of Management and Budget showed EPA how to account for biofuel gallons lost to small-refinery waivers, but the EPA ignored the OMB's suggestions, interagency review documents show. Documents posted to regulations.gov on the 2020 Renewable Fuel Standard volumes show reviewers of the rule suggested EPA reallocate waived volumes of biofuels in the 2020 proposal.

In addition, the OMB provided a possible method for restoring 500 million gallons of blending obligations that were erroneously waived in 2016. The U.S. Court of Appeals for the District of Columbia Circuit ordered the 2016 gallons to be accounted for in future rulemaking, but the agency declined to do so in its latest volumes proposal. President Donald Trump's EPA has waived about 4.03 billion gallons of biofuels since 2016, as a result of granting 85 small-refinery waivers.

"EPA put a zero in for projected volume of gasoline for exempt small refineries and projected volume of diesel for exempt small refineries, ensuring your projected totals are not met and all actual outcomes or resulting biofuel requirements are biased to one side, lower," an OMB reviewer said in interagency comments.

"This bias appears in outcomes for every requirement, including your cellulosic-volume requirement which the court directed to you to have a 'neutral' estimate. You also draw a conclusion about the ability to achieve certain volumes with respect to the blend wall, while simultaneously ensuring that your calculated total is not the actual requirement, thus your requirement relative to the blend wall is wrong." **EPA had not responded to DTN's request for comment at the time this article was posted.**

OMB reviewers offered a possible solution for accounting for waived gallons in order to make sure the overall total RFS volumes were met. That included providing a projection of about 12.5 billion exempted gasoline and diesel gallons in the RFS formula — or close to the actual average exempted volume of 12.8 billion gallons of gasoline and diesel during the 2016-2018 period.

In addition, OMB reviewers suggested EPA should adjust renewable volume obligation percentages to incorporate projected gasoline and diesel exempted through small-refinery waivers. EPA responded, "The approach taken in this proposal is consistent with the approach first laid out in 2011 and followed since, and we have not proposed to revisit it. Whether to revisit this issue is a matter already under review at agency leadership levels and we anticipate discussing it further while this action is under review."

The OMB was critical of EPA's decision not to abide by the court decision saying, "You reject the ACE court remand because you conclude there is no 'room' to incorporate it, knowing that the stated RVO will not be achieved because of the issuance, and lack of incorporation of, small-refinery waivers."

EPA's responded, "This issue and our response to the ACE remand are the subject of ongoing discussions." Renewable Fuels Association President and CEO Geoff Cooper said in a news release on Monday that the interagency comments show the OMB was aware of repeated concerns made known by agriculture and biofuel interests and tried to do something about it.

"The revelations in these documents will only exacerbate the outrage and anger in farm country over EPA's abuse of the small-refinery waiver provision," he said. "The documents clearly show that EPA knowingly ignored strong recommendations from within the administration to redistribute blending volumes that were exempted via small-refinery waivers. EPA also disregarded recommendations to address a court order to restore 500 million gallons of lost blending obligations from 2016."

OMB suggested the agency could remand the 500 million gallons in increments. That would include increasing the overall RFS volumes by 75 million gallons in 2020, 175 million in 2021 and 250 million in 2022. Cooper said the agency could change course in its newly proposed renewable volume obligations currently pending before the EPA. "The solution to the small-refinery waiver problem was right in front of EPA's face the whole time, yet they chose to snatch defeat from the jaws of victory," he said.

"The only way to begin calming the anxiety and aggravation in rural America is for EPA to immediately announce that it will resolve these issues in the upcoming 2020 RVO final rule. EPA must adopt the prospective reallocation approach recommended during the interagency review process in the 2020 rule, as well as include the 500-million-gallon remand. Anything short of that will be viewed by farmers and biofuel producers as another sellout to the oil industry and another kick in the teeth to the hardworking families in the Heartland."

Read more of interagency review documents here: <https://www.regulations.gov/...>

Progressive Farmer

"Ethanol Plant Employees Ask Trump to Order EPA to Stop Waivers"

<https://www.dtnpf.com/agriculture/web/ag/blogs/ethanol-blog/blog-post/2019/08/26/ethanol-plant-employees-ask-trump>

Todd Neeley

A group of 94 ethanol plant employees from across the country asked President Donald Trump to reallocate gallons lost to small-refinery waivers to the Renewable Fuel Standard, in a letter to the president on Monday.

Reports surfaced last week the Trump administration is considering reallocating gallons waived to larger refiners. Since 2016, the EPA dramatically increased the number of exemptions it approved. The agency has granted 85 waivers during the Trump administration totaling 4.03 billion ethanol-equivalent gallons not blended in petroleum products including biodiesel.

"We write to request that you call upon the Environmental Protection Agency to honor your commitment to American biofuels and rural prosperity," write the employees who are members of the ethanol interest group Growth Energy.

"The future of our industry and the livelihoods of millions of biofuel workers and farmers are in your hands.

"We deeply appreciate that this White House fought for rural America by lifting outdated regulations on E15; thank you. But, the EPA's actions threaten to undo your good work. Over the last three years, the EPA has abused the small refinery exemption process and issued 85 SREs, including handouts to some of the world's largest oil companies. Each exemption erodes the Renewable Fuel Standard, cutting biofuels from the market and eliminating the incentive to offer lower-cost options at the fuel pump, including the E15 blends you made possible year-round."

The employees said the waivers have contributed to "many plants" idling production or shutting down. "Right now, hundreds of millions of gallons of production remain offline, with plants impacted in Iowa, Michigan, Illinois, Indiana, Kansas, Minnesota, Ohio, Florida, Virginia, Texas, Missouri, Georgia, Mississippi, Pennsylvania, Wisconsin and Nebraska," they wrote.

"Each time a plant idles production, farmers are notified that biofuel producers can no longer accept grain deliveries, and the impact has been devastating for communities already on the edge. Farm income is now down by half since the

start of this year alone, according to the Bureau of Economic Analysis. Without your support, this harvest could be the last for many families.

"Every new exemption is a threat to hundreds of thousands of jobs across the heartland. Make no mistake, the rural manufacturing that keeps our communities strong could soon vanish if unelected bureaucrats at the EPA continue to eliminate the market for biofuels. America would no longer be the world's top producer and exporter of ethanol."

The employees told the president that oil companies saw their most profitable years since 2013. "Rural workers and farmers can no longer pay the price for handouts to oil giants like Exxon and Chevron," the letter said.

"We appreciate you acknowledging our concerns and vowing 'to support our ethanol industry and to fight for the American farmer like no president has ever fought before.' Unfortunately, the time to address this crisis is running out, and the EPA has turned a deaf ear to rural families. The agency is even considering a rule that would freeze growth and block efforts to repair the damage done by SREs.

"Our industry has long been a pillar of strength in farm communities, where American families are looking to the White House for leadership, but the EPA is ravaging the rural economy in your name. Only you can turn it around, and we offer whatever support we can to make it happen."

Read the letter here: <https://growthenergy.org/...>

Wall Street Journal

Trump's Ethanol Promises Come Due"

<https://www.wsj.com/articles/trumps-ethanol-promises-come-due-11566908474>

Lauren Silva Laughlin

The Corn Belt carries a lot of weight in Washington—especially at the moment. That is coming in handy for ethanol companies that have lost some recent rounds to the fossil fuel sector. Over the past year, policies that require gasoline to include the corn-based biofuel have bumped up against relief provided by the Trump administration to oil refiners in the complicated system that keeps the corn-based fuel flowing. The fight between the industries has come to a head over the past week.

The debate stems from the Renewable Fuel Standard, or RFS, first established by Congress as part of a 2005 energy law and significantly expanded in 2007. It mandated greater quantities of ethanol to be blended into gasoline.

Almost all U.S. gasoline contains 10% ethanol thanks to the law, and the policy has been a boon for corn demand. Smaller refineries have objected since many face logistical hassles in blending the fuel. The cost for purchasing credits in lieu of doing so can be expensive and occasionally ruinous. Every year many refiners ask the Environmental Protection Agency for exemptions. Corn and ethanol lobbyists have protested these exemptions—especially given other economic challenges presented by Washington such as the trade dispute with China.

President Trump pledged an expansion of the ethanol program as a candidate but has so far treaded a fine line between the opposing groups. Earlier this month, however, the Environmental Protection Agency granted ethanol waivers to 31 refineries, more than four times the 2015 level. Corn and ethanol lobby groups fumed and the share prices of companies including Pacific Ethanol, Green Plains, and Renewable Energy Group fell. Then, late last week, a concession seemed to be taking shape. Reuters reported that the Trump administration was considering raising biofuel blending quotas in coming years.

Shares of ethanol companies initially jumped on the report. Ethanol prices, which have fallen more than 20% since June, initially dropped following the EPA's decision on Aug. 9 but have rebounded by about 2% from their low. Corn prices reacted less, remaining flat on Monday after falling more than 12% since the decision. Part of the problem is that the corn business overall dwarfs ethanol: The U.S. Department of Agriculture estimates that corn production will be 13.9 billion bushels this year while the Renewable Fuels Association says waivers will cut demand by 225 million bushels, or less than 2% of the total. The EPA has disputed the connection between waivers and corn demand.

Expanding the ethanol market from today's level is tricky, though. In 2009, Ethanol manufacturers asked the EPA to allow the use of E15, or 15% blends, in a bid to expand their market, which the EPA approved a few years later. But car warranties before that time don't typically cover higher blends, and just a fraction of the gas stations nationwide have the infrastructure to accommodate the fuel. Air pollution rules restrict year-round sales of E15, making the switch complicated and costly.

It is good to have friends in high places, but refiners may have a more powerful ally than Mr. Trump—the market.

Water

https://www.washingtonpost.com/opinions/flints-water-crisis-wasnt-just-a-blip-our-water-standards-need-bold-change/2019/08/26/add59b50-c50d-11e9-9986-1fb3e4397be4_story.html

<https://www.wamc.org/post/dutchess-county-file-brief-supporting-nyss-suit-against-epa-over-pcb-cleanup>

<https://news.bloombergenvironment.com/environment-and-energy/con-edison-slims-down-document-production-in-hudson-leak-suit>

Bloomberg Environment

"Con Edison Slims Down Document Production in Hudson Leak Suit"

<https://news.bloombergenvironment.com/environment-and-energy/con-edison-slims-down-document-production-in-hudson-leak-suit>

Porter Wells

New York electric company Con Edison convinced a federal court in New Jersey to limit the information it must hand over to the owner of Jersey City's Newport Marina in a lawsuit over a 2016 dielectric liquid leak in the Hudson River. Newport Associates Development Co.'s discovery requests were overbroad and irrelevant to the specific power line and type of leak at the center of the dispute, Magistrate Judge James B. Clark III said Aug. 26 for the U.S. District Court for the District of New Jersey.

Newport claims that the fluid leak was caused by welding flaws in the line's installation and inadequate pressure sensors. Consolidated Edison Co., on the other hand, says that Newport's failure to maintain the Sixth Street Pier in the Newport Marina led to the leak, specifically pointing to two partial collapses of the pier in 2008 and 2009. The two power lines at issue in the case run from New Jersey to Brooklyn, New York. They're jointly owned by Con Edison and Public Service Electric and Gas Co. and have been de-electrified since 2017.

The lines were buried directly into the Hudson River's bed, encased cement jackets and joined by welded couplers. The lines cross the East River through a utility tunnel that already existed at the time, and don't use the same welded couplers Newport faults for the leak. Newport wanted access to any information about any dielectric fluid leak at any Con Edison facility. The unlimited breadth of that request smacked of an "impermissible fishing expedition attempting to uncover additional arguments" for its case, Clark said. He limited discovery to information about leaks involving the type of cable involved in the leak, and leaks involving welded couplers.

Newport is also only entitled to information about the cables in the Hudson River section of their path, but not information about the East River section because a different installation method was used that isn't faulted as contributing to the leak, Clark said. Finally, the documents Newport sought related to a 1994 New York State Department of Environmental Conservation complaint that is duplicative of other information it's receiving through the discovery process, Clark said. The company will only be able to access documents and correspondence related to Con Edison's compliance with the subsequent consent decree, he said.

Arnold & Porter Kaye Scholer LLP represents Con Edison. Paul, Weiss, Rifkind, Wharton & Garrison LLP represents Newport. Covington & Burling LLP represents PSE&G.

The case is Pub. Serv. Elec. & Gas Co. v. Newport Assocs. Dev. Co., 2019 BL 318907, D.N.J., No. 16-cv-08445, 8/26/19.

Washington Post

"Flint's Water Crisis Wasn't Just a Blip. Our Water Standards Need Bold Change"

https://www.washingtonpost.com/opinions/flints-water-crisis-wasnt-just-a-blip-our-water-standards-need-bold-change/2019/08/26/add59b50-c50d-11e9-9986-1fb3e4397be4_story.html

Mekela Panditharantne

Mekela Panditharantne is an attorney with the Natural Resources Defense Council.

The public exposé of severe lead contamination in the tap water of Flint, Mich., has prompted national soul-searching, legal battles, some of which are ongoing, and beefed-up state rules governing lead in drinking water. The Environmental Protection Agency is expected to propose an update to the federal Lead and Copper Rule soon, a long-overdue step in strengthening federal regulation of drinking water. But a troubling campaign is afoot to launder the history of Flint's water crisis and to recast the episode there as a blip in an overall downward trend in U.S. children's lead exposure in the past half-century.

Some researchers have reproached advocates and other members of the scientific community for stridently sounding alarms over the threat posed by lead in water. Such pushback may encourage the EPA to suggest only modest updates to the Lead and Copper Rule, allowing millions of water-bearing lead service lines to remain in place. We cannot let this happen. That the enormous toll of lead poisoning on public health was unknown or tolerated in the past does not now render tolerable the reality that many children today are exposed to high levels of lead in water, paint and soil, even if those levels represent an improvement from the mid-20th century. Federal law should not greenlight weak standards for lead in water. The Lead and Copper Rule needs bold and far-reaching change.

Flint's crisis captured our attention because of how extreme it was. The lead levels in Flint's water were among the highest recorded in recent years in a large water system, as measured by independent testing. While such mammoth levels are unusual among large water systems, lead in drinking water crops up quite often in smaller systems, albeit at lower levels: About 5.5 million people were served by community water systems that exceeded EPA standards between January 2015 and March 2018.

Lead is a powerful neurotoxin that can damage nearly every organ and system in the human body. Exposure to lead, even at low doses, can harm the developing brains and nervous systems of babies and young children. Lead exposure can also trigger miscarriages and stillbirths in pregnant women and cause kidney and cardiovascular damage, cognitive impairment and fertility troubles in adults. When ingested, lead is gradually transferred from the bloodstream to organs and stored in bones and teeth, making bones brittle. Women's bones sometimes release stockpiled lead into the bloodstream during pregnancy, affecting the fetus.

The EPA's current 15-parts-per-billion "action level," which triggers action to abate water-lead levels, is far too high. Most utilities are not required to take remedial action unless 10 percent of water samples exceed 15 parts per billion when tested over the course of a lead-monitoring cycle. But scientific studies have repeatedly demonstrated a link between rising water-lead levels and higher blood-lead levels in exposed children. Several studies have shown that this association holds true even for water-lead levels as low as 5 parts per billion, well below the EPA's 15 parts-per-billion standard. Federal agencies, intergovernmental organizations and professional associations — including the Centers for Disease Control and Prevention, the World Health Organization and the American Academy of Pediatrics — now agree that *no level* of lead exposure is safe. A health-protective regulatory standard for lead in water should fall below 5 parts per billion, accounting for the limited capacity of utilities to reliably reduce water-lead levels.

Federal regulations must also require the full replacement of lead service lines adjoining water mains to people's homes — which deliver water to millions of Americans — regardless of lead levels in water. Even when utilities have a maximally effective program to control lead corrosion, lead service lines can still release lead into drinking water. When a system's water chemistry changes, heavy trucks drive over pipes or nearby construction occurs, the protective coating or "scale" on the interior of the lead lines can erode or be dislodged, causing lead to be released into the water. To protect the public, federal law should require all water utilities to count the number of lead service lines in their distribution systems and to dig up and replace them with safer materials.

Utilities will probably protest, insisting that they do not own the portion of the lead service line running under private property. Don't fall for it. City codes and water utility guidelines have routinely approved, encouraged and in some cases mandated the installation of lead service lines.

No doubt, such an infrastructure project will be costly — probably about \$30 billion. But the burden of lead protection also does not have to fall on the poor. The costs of fully replacing lead service lines can be built into utility rate structures, and the federal government should give funding assistance to low-income communities to take on the project. Such an investment is worth the price tag, if it means protecting our communities from toxic drinking water.

WAMC

"Dutchess County To File Brief Supporting NYS's Suit Against EPA Over PCB Cleanup"

<https://www.wamc.org/post/dutchess-county-file-brief-supporting-nyss-suit-against-epa-over-pcb-cleanup>

Allison Dune

Last week, New York state officials announced a lawsuit against the U.S. Environmental Protection Agency over General Electric's PCB cleanup in the Hudson River. A county executive in the Hudson Valley is joining the effort. Republican Dutchess County Executive Marc Molinaro says his county will file a friend of the court brief in support of the state's lawsuit that charges that the EPA's issuance of the Certification of Completion of Remedial Action to GE is beyond the agency's legal authority and should be vacated.

"I believe that we have one moment in time to finally restore the Hudson River," Molinaro says. "And the EPA has abandoned that responsibility, that commitment, not only to the generations of people who have fought for this cleanup, but the generations of residents, businesses, communities and all those who follow us who will look back and will question whether or not this country, this community, was absolutely committed to restoring the Hudson River."

EPA issued the Certification of Completion to GE in April for its cleanup of PCBs along a 40-mile stretch of the upper Hudson River. **A spokeswoman says the EPA does not comment on pending litigation.** Molinaro, who has been vocal on the issue in the past, says he's in communication with officials from other counties and hopes they will join in filing such a brief.

"We are simply adding our voice and articulating what the impact is to Dutchess County and the lower Hudson River Valley if the river isn't cleaned up," says Molinaro. "So our brief will reinforce, in a very specific way, what impact lack of cleanup and the EPA's failure to meet its responsibility will mean not only to those who take water and enjoy the Hudson River today, but what this looks like and would look like into the future if the river is not fully restored."

Impacts, he says, on those who rely on the river for drinking water, fishing, recreation, tourism and commerce. Molinaro calls the EPA's issuance of the Certification of Completion "grossly premature."

"So I am not at all going to allow the county to stand on the shorelines and allow this just simply to occur," Molinaro says.

Democratic Assembly member Didi Barrett's 106th District includes portions of Dutchess and Columbia Counties. She says it's important to have as broad support as possible for New York state's leadership on the issue to protect a river that is integral to the region's environmental, economic and cultural heritage.

"It's just crucial to who we are, and we deserve a clean river," Barrett says. "And I don't think we should be supporting industry that's not cleaning up after itself. So that's why it's important to have everybody engaged in this."

GE spokesman Mark Behan declined to comment on Dutchess County's intent to file a brief, but, in a statement about New York's lawsuit, said, in part, "EPA conducted a comprehensive review of the Hudson River dredging project and concluded that dredging successfully reduced PCB levels, no additional dredging is warranted, and GE met all of its obligations." Though the PCB cleanup occurred in the upper Hudson River, Barrett says the lower Hudson is not immune from detrimental effects of PCBs. "And I think we need to make sure that the whole river is clean for people to be able to eat, people to be able to enjoy and people to access the water," says Barrett. "Water is such a critical issue right now."

In their August 21 announcement of the lawsuit, New York Governor Andrew Cuomo and state Attorney General Letitia James said that when EPA issued the Certificate of Completion, the agency's Five-Year Review found that the cleanup was not adequately protective of human health and the environment. They said the EPA concluded that it did not have sufficient information to determine if or when the cleanup would meet this standard.

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